

HOUSE BILL 506

D3

2lr2075
CF 2lr2376

By: **Delegate Anderson**

Introduced and read first time: February 2, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Malpractice Claims – Expert Witnesses – Admissibility of**
3 **Insurance Coverage**

4 FOR the purpose of providing that the existence of professional liability insurance
5 coverage is admissible under certain circumstances at the hearing of a claim or
6 the trial of an action against a health care provider for alleged medical injury;
7 providing that the existence of professional liability insurance coverage is
8 admissible solely for a certain purpose; and generally relating to the
9 admissibility of the existence of professional liability insurance coverage.

10 BY adding to

11 Article – Courts and Judicial Proceedings

12 Section 10–922

13 Annotated Code of Maryland

14 (2006 Replacement Volume and 2011 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Courts and Judicial Proceedings**

18 **10–922.**

19 **(A) AT THE HEARING OF A CLAIM OR THE TRIAL OF AN ACTION UNDER**
20 **TITLE 3, SUBTITLE 2A OF THIS ARTICLE, THE EXISTENCE OF PROFESSIONAL**
21 **LIABILITY INSURANCE COVERAGE IS ADMISSIBLE IF:**

22 **(1) AN EXPERT WITNESS OFFERS OPINION TESTIMONY BEFORE A**
23 **FINDER OF FACT; AND**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) (I) THE PROFESSIONAL LIABILITY INSURANCE CARRIER**
2 **FOR THE EXPERT WITNESS IS A MUTUAL COMPANY OR A SELF-INSURED ENTITY;**
3 **AND**

4 **(II) A JUDGMENT AGAINST ANY DEFENDANT IN THE ACTION**
5 **AS TO WHOM LIABILITY IS AN ISSUE IN DISPUTE WOULD BE PAID BY THE**
6 **PROFESSIONAL LIABILITY INSURANCE CARRIER FOR THE EXPERT WITNESS.**

7 **(B) EVIDENCE OF THE EXISTENCE OF PROFESSIONAL LIABILITY**
8 **INSURANCE COVERAGE IS ADMISSIBLE UNDER THIS SECTION SOLELY FOR THE**
9 **PURPOSE OF ASSESSING THE BIAS, IF ANY, OF THE EXPERT WITNESS IN**
10 **PROVIDING THE OPINION TESTIMONY.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2012.